

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES ANDERSON,

Plaintiff,

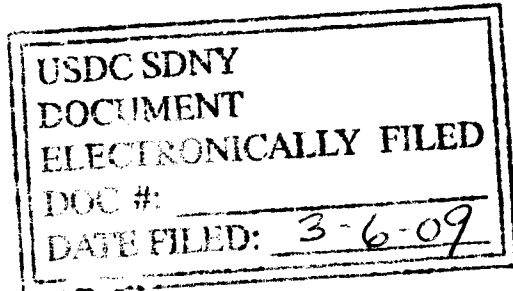
-v-

DOCTOR ROMANO, DOCTOR KOEHOOGSMAN,  
DOCTOR BERNSTEIN, and COMMISSIONER  
GLENN GOORD,

Defendants.  
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: 08 Civ. 559 (JSR)(KNF)  
: PRO SE  
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: ORDER



JED S. RAKOFF, U.S.D.J.

On December 24, 2008, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court (1) grant defendant Commissioner Glenn Goord's motion for an extension of time to file a motion to dismiss, nunc pro tunc; (2) deny defendant Carl Koenigsmann's<sup>1</sup> motion to dismiss with respect to plaintiff's deliberate indifference claim; (3) grant Koenigsmann's motion to dismiss with respect to plaintiff's retaliation claim; and (4) grant defendant Goord's motion to dismiss all claims asserted against Goord.

On January 15, 2009, the Court granted plaintiff's request for additional time to serve and file any objections to the Report, and on February 13, 2009, plaintiff timely filed his objections. Accordingly, the Court has reviewed defendants' motions and the underlying record de novo. Having done so, and having thoroughly

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<sup>1</sup> The caption apparently bears an incorrect spelling of defendant Koenigsmann's name.

considered plaintiff's objections, the Court finds itself in complete agreement with Magistrate Judge Fox's excellent Report and hereby adopts it by reference.

The Court further notes that on July 18, 2008, Magistrate Judge Fox permitted defendant Bernstein to join in the motion to dismiss filed by defendants Koenigsmann and Goord. As such, for the reasons stated in the Report, plaintiff's retaliation claim against Bernstein is hereby dismissed as time-barred. Plaintiff's retaliation claim against defendant Romano is also clearly time-barred, and the Court dismisses that claim sua sponte. See Leonhard v. United States, 633 F.2d 599, 609 n.11 (2d Cir. 1980) (district court may dismiss claims sua sponte on statute of limitations grounds).

Accordingly, for the above reasons and for the reasons stated in the Report, the Court hereby dismisses plaintiff's retaliation claims as to all defendants, and dismisses plaintiff's Complaint in its entirety as to defendant Goord. Defendants' motion to dismiss is denied in all other respects. The Clerk of the Court is directed to close document number 6.

SO ORDERED.

  
JED S. RABOFF, U.S.D.J.

Dated: New York, New York  
March 5, 2009